

Docket No. ST 2623.01 US
USSN: 09/495,552

PATENT
Art Unit: 2653

REMARKS

Claims 5 and 22-41 are pending in the present application.

This Amendment is in response to the Office Action mailed November 16, 2004. In the Office Action, the Examiner objected to the claims 40 and 41 under 37 CFR 1.75(a), rejected claims 5, 22, 25, 26, 32-36, 38 and 41 under 35 U.S.C. § 102. Applicant has canceled claims 5, 25 and 26, rewrote claims 22-24, 27-28, 34, and 36-40.

In addition, the Examiner indicated allowable subject matter for claims 23, 24, 27-31, 37, and 39-40 if they are rewritten in independent form including the base claim and any intervening claims. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. CLAIM OBJECTIONS

The Examiner objected claims 40 and 41 under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 40 and 41 accordingly. The objection is now moot. Applicant respectfully requests the objection be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected (1) claims 5, 36, 38 and 41 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,199,090 issued to Bell ("Bell") and (2) claims 22, 25, 26, and 33-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,762,977 issued to Gage et al. ("Gage"). Applicant respectfully traverses the rejections for the following reasons.

Bell discloses a magneto optic head that is fabricated on a glass slider and flown adjacent a magneto optic disk in a disk drive (Abstract). It further discloses that a thin film integrated circuit type of magneto optic read/write head comprising

Docket No. ST 2623.01 US
USSN: 09/495,552

PATENT
Art Unit: 2653

an optical waveguide on a slider in a dish drive, either integrated or bonded onto the slider (Col. 3, line 48-50). Bell, however, does not disclose a monolithic semiconductor substrate comprises a first conductivity-type semiconductor layer adjacent a first side of said semiconductor substrate and a first conductivity-type distributed Bragg reflector mirror stack adjacent said first conductivity-type semiconductor layer.

Gage discloses a laser assisted magnetic recording system including a semiconductor laser and magnetic write coil integrally formed into a slider (Co. 1, lines 65-67). The slider comprises a magnetic recording section, and a semiconductor laser section integrally formed adjacent the magnetic recording section (Col 2. line 1-4). Unlike the present invention, Gage does not disclose a monolithic semiconductor substrate comprises a first conductivity-type semiconductor layer adjacent a first side of said semiconductor substrate and a first conductivity-type distributed Bragg reflector mirror stack adjacent said first conductivity-type semiconductor layer.

Bell and Gage, taken alone or in combination do not disclose, suggest, or render obvious a monolithic semiconductor substrate comprises a first conductivity-type semiconductor layer adjacent a first side of said semiconductor substrate and a first conductivity-type distributed Bragg reflector mirror stack adjacent said first conductivity-type semiconductor layer.

To support a 102 rejection, there must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here, no specific language in Bell or Gage that teaches a

Docket No. ST 2623.01 US
USSN: 09/495,552

PATENT
Art Unit: 2653

monolithic semiconductor substrate comprises a first conductivity-type semiconductor layer adjacent a first side of said semiconductor substrate and a first conductivity-type distributed Bragg reflector mirror stack adjacent said first conductivity-type semiconductor layer.

Therefore, Applicant respectfully requests that rejection be withdrawn.

III. ALLOWABLE SUBJECT MATTER

Claims 23, 24, 27-31, 37, 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicant has rewritten claims 22-24, 27-28, 34, and 36-40 so that all the limitations of the base claim(s) and the intervening claims are included in the objectable claims.

Applicant would like to thank the Examiner for these allowable claims and Applicant looks forward to receiving a Notice of Allowance.

Docket No. ST 2623.01 US
USSN: 09/495,552

PATENT
Art Unit: 2653

CONCLUSION


In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: January 13, 2005



Caroline T. Do, Esq.
Reg. No. 47,529

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
P. O. BOX 19616
IRVINE, CA 92623
(949) 660-5000

P:\ABGVPPD\ST\2623\01\amend_04.doc